

**To:** Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]  
**Cc:** Breen, Barry[Breen.Barry@epa.gov]  
**From:** Natarajan, Nitin  
**Sent:** Tue 8/18/2015 2:28:02 AM  
**Subject:** Re: EPS81302, Gold King Mine Release

## Attorney Work Product/Ex. 5

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Nitin Natarajan  
Deputy Assistant Administrator  
Office of Solid Waste and Emergency Response  
Environmental Protection Agency  
202-566-0200 Office

On Aug 17, 2015, at 22:27, Stanislaus, Mathy <Stanislaus.Mathy@epa.gov> wrote:

Barry: can you engage with Stacey on this

Sent from my iPhone

Begin forwarded message:

**From:** "Mitchell, Stacey" <Mitchell.Stacey@epa.gov>  
**Date:** August 17, 2015 at 6:29:40 PM CDT  
**To:** "Stanislaus, Mathy" <Stanislaus.Mathy@epa.gov>  
**Cc:** "Fritz, Matthew" <Fritz.Matthew@epa.gov>, "Garbow, Avi" <Garbow.Avi@epa.gov>, "Breen, Barry" <Breen.Barry@epa.gov>, "Natarajan, Nitin" <Natarajan.Nitin@epa.gov>  
**Subject:** Re: EPS81302, Gold King Mine Release

## Attorney Work Product/Ex. 5

Stacey H. Mitchell

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

Main 202.564.8064

Direct 202.564.7614

Sent from my iPhone

On Aug 17, 2015, at 7:18 PM, Stanislaus, Mathy <[Stanislaus.Mathy@epa.gov](mailto:Stanislaus.Mathy@epa.gov)> wrote:

**Attorney Work Product/Ex. 5**

Sent from my iPhone

On Aug 17, 2015, at 6:47 PM, Mitchell, Stacey <[Mitchell.Stacey@epa.gov](mailto:Mitchell.Stacey@epa.gov)> wrote:

**Attorney Work Product/Ex. 5**

Stacey H. Mitchell

Deputy General Counsel| Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-7614

**From:** Michaud, John

**Sent:** Monday, August 17, 2015 6:40 PM

**To:** Mitchell, Stacey

**Subject:** FW: EPS81302, Gold King Mine Release

# Attorney Work Product/Ex. 5

John R Michaud

Acting Associate General Counsel

Solid Waste and Emergency Response Law Office

202-564-5518

[michaud.john@epa.gov](mailto:michaud.john@epa.gov)

**From:** Hess, Stephen

**Sent:** Monday, August 17, 2015 6:34 PM

**To:** Michaud, John

**Subject:** FW: EPS81302, Gold King Mine Release

John – FYI. Contact information from the EPA Contracting Officer, including his contact at Environmental Restoration, LLC. Steve.

Stephen Hess

U.S. EPA, Office of General Counsel

1200 Pennsylvania Avenue, N.W.

Washington, D.C.

Mail Code: 2399A

Phone: 202-564-5461

**From:** Hess, Stephen

**Sent:** Monday, August 17, 2015 5:19 PM

**To:** Braun, Richard  
**Cc:** Gleason, Michael  
**Subject:** RE: EPS81302, Gold King Mine Release

Thanks Richard.

Steve.

Stephen Hess

U.S. EPA, Office of General Counsel

1200 Pennsylvania Avenue, N.W.

Washington, D.C.

Mail Code: 2399A

Phone: 202-564-5461

**From:** Braun, Richard  
**Sent:** Monday, August 17, 2015 5:14 PM  
**To:** Hess, Stephen  
**Cc:** Gleason, Michael  
**Subject:** FW: EPS81302, Gold King Mine Release

Stephen,

Please see trailing email. I will forward the attorney's contact info. when it arrives.

I reviewed the contract and do not see any language that indemnifies the

contractor.

Of course, we do require the contractor to maintain insurance and FYI I have enclosed a copy of their insurance certificate.

Richard Braun

EPA Region 8

Contracting Officer

303-312-6380

[braun.richard@epa.gov](mailto:braun.richard@epa.gov)

**From:** Marilyn Smith [<mailto:m.smith@erllc.com>]

**Sent:** Monday, August 17, 2015 1:38 PM

**To:** Braun, Richard

**Subject:** RE: EPS81302, Gold King Mine Release

Hi Richard:

I have notified ER's VP of Administration, Mark Ruck who will coordinate with ER's attorney.

Thank you,

Marilyn

**From:** Braun, Richard [<mailto:Braun.Richard@epa.gov>]

**Sent:** Monday, August 17, 2015 1:39 PM

**To:** Marilyn Smith <[m.smith@erllc.com](mailto:m.smith@erllc.com)>

**Subject:** EPS81302, Gold King Mine Release

Hi Marilyn,

Today I received a call from the EPA attorney who is handling claims against the government related to the release. He mentioned that in situations like this, it's not unusual for claims to be filed against the contract. He was wondering if you had received any claim requests, lawsuits, threats of lawsuits, etc. The attorney's name is Stephen Hess and he would like to open a dialogue with your attorney so that both parties can be informed. Please provide your attorney's contact information. Here is Stephen's info:

Stephen Hess

U.S. EPA, Office of General Counsel

1200 Pennsylvania Avenue, N.W.

Washington, D.C.

Mail Code: 2399A

Phone: 202-564-5461

[Hess.stephen@epa.gov](mailto:Hess.stephen@epa.gov)

Thank you

Richard Braun

EPA Region 8

Contracting Officer

303-312-6380

[braun.richard@epa.gov](mailto:braun.richard@epa.gov)

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